

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ALAN NOWAKOWSKI,)
Plaintiff,) Case No. 22cv3947
v.) (Removed from the
Circuit Court of Lake County
MENARD, INC.) Case No. 22LA00000241)
Defendant.) **JURY DEMAND**

NOTICE OF REMOVAL

NOW COMES the Defendant, MENARD, INC. ("Menard"), by and through its attorneys, Ottosen DiNolfo Hasenbalg & Castaldo, Ltd., pursuant to 28 U.S.C. §§ 1332, 1367, and 1441, and files this Notice of Removal of the above captioned matter from the Circuit Court of Lake County, Illinois, under Case Number 22LA00000241 to this Honorable Court.

In support of this Notice, Menard states the following:

JURISDICTION

1. This action is a civil action of which this Court has original jurisdiction over the Complaint, under 28 U.S.C. § 1332(a)(1), which may be removed to this Court by Menard pursuant to the provisions of 28 U.S.C. § 1441(a) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, because the Plaintiff, ALAN NOWAKOWSKI, is a citizen of Illinois; the Defendant, Menard, is a Wisconsin Corporation; and Plaintiff is seeking from Menard damages in excess of \$75,000 for serious personal injuries.

STATEMENT OF FACTS

2. On June 13, 2022, an action was commenced in the Circuit Court of Lake County, Illinois, entitled "ALAN NOWAKOWSKI, Plaintiff, v. MENARD, INC., Defendant" (Case Number 22LA00000241).
3. A summons for Menard was issued on June 13, 2022, and with a copy of the Plaintiff's Complaint, was served on July 1, 2022.
4. A copy of all process, pleadings and orders served upon Menard in the state court action are attached hereto as **Exhibit A**.

BASIS FOR REMOVAL

5. Removal of a civil action is allowed under 28 U.S.C. § 1441 by a Defendant who is sued on a claim or right that has original jurisdiction in the federal district court.
6. Plaintiffs' Complaint at Law is removable based on 28 U.S.C. § 1332(a)(1) because the amount in controversy exceeds \$75,000 and there is complete diversity of citizenship between the plaintiff and the defendant, thus the action is within the subject matter jurisdiction of this Court.
7. At the time that this action commenced, Alan Nowakowski, was, and continues to be, a citizen of the State of Illinois based upon the medical records Plaintiff's counsel provided with a pre-lawsuit demand letter.
8. At the time that this action commenced, Menard was, and continues to be, a corporation incorporated under the laws of Wisconsin, having its principal place of business in the State of Wisconsin at 5101 Menard Drive, Eau Claire, Wisconsin 54703.

9. This action is a civil action in which the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, because Alan Nowakowski has alleged, through his Complaint, that he is seeking damages in excess of \$50,000 and made a demand for \$325,000.00 as of May 6, 2022.

COMPLIANCE WITH REMOVAL PROCEDURES

10. Menard has complied with all the procedural requirements for removal set forth in 28 U.S.C. § 1446.

11. Notice of this removal is being provided to Plaintiff, through his attorney of record and the Circuit Court of Lake County, Illinois.

12. Pursuant to § 1446(d), a copy of this Notice of Removal will be filed with the Circuit Court of Lake County, Illinois, in Case No. 22LA00000241.

WHEREFORE, for the foregoing reasons, the Defendant, Menard, Inc., removes this action from the Circuit Court of Lake County, Illinois to the United States District Court for the Northern District of Illinois, Eastern Division, and respectfully requests that the Court exercise jurisdiction over this matter.

Respectfully submitted,

MENARD, INC.

Dated: July 29, 2022

By: /s/ W. Anthony Andrews
One of its attorneys

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STATE OF ILLINOIS)
)
COUNTY OF DUPAGE) SS
)

I, W. ANTHONY ANDREWS, do hereby certify, and having been first duly sworn upon oath do hereby state, that I have read the above and foregoing Notice of Removal, by me subscribed as signatory for MENARD, INC., and the same is true and correct to the best of my knowledge and belief.

/s/ W. Anthony Andrews
W. ANTHONY ANDREWS

SUBSCRIBED and SWORN to before
me this 29th day of July 2022.

/s/ Andrea Mangialardi
NOTARY PUBLIC

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